

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MAY 11, 2016

**SENATE BILL**

**No. 1396**

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**Introduced by Senator Wolk**

(Principal coauthor: Assembly Member Dodd)

**(Coauthor: Senator McGuire)**

(Coauthor: Assembly Member Levine)

February 19, 2016

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An act to add Chapter 4.5 (commencing with Section 1440) to Division 2 of, and to repeal Article 7 (commencing with Section ~~1463~~ 1462) of Chapter 4.5 of Division 2 of, the Fish and Game Code, relating to the Inner Coast Range.

LEGISLATIVE COUNSEL'S DIGEST

SB 1396, as amended, Wolk. Wildlife Conservation Board: Inner Coast Range Program.

Existing law, the Wildlife Conservation Law of 1947, establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Under existing law, the board consists of the president of the Fish and Game Commission, the Director of Fish and Wildlife, and the Director of Finance. Existing law prescribes the board's duties with regard to, among other things, real property acquisitions for property used for wildlife preservation and conservation purposes.

This bill would establish the Inner Coast Range Program with specified goal areas and authorization related to the Inner Coast Range Region, as defined. This bill would require the board to establish an advisory board for the program consisting of ~~representatives~~ *one representative of each of the counties within the region* and would authorize the board to invite certain legislators and representatives of

state and federal agencies to participate as members on the advisory board. The bill would create the Inner Coast Range Program Fund in the State Treasury and would provide that moneys in the fund would be available, upon appropriation, for the purposes of the program.

The bill would require the board to make ~~an annual~~ a *biannual* report to the Legislature and to the Secretary of the Natural Resources Agency regarding expenditures, land, management costs, and administrative costs for the purposes of the program. The bill, by January 1, 2027, would require the board, in consultation with the advisory board, to review the program and issue a report to the relevant policy committees of the Legislature about the possible creation of a state conservancy for the Inner Coast Range Region.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) The Inner Coast Range Region is a globally significant area,
- 4     including world-renowned geological, biological, and cultural
- 5     resources, a national monument, and many large, pristine areas
- 6     that are open for public use.
- 7     (b) The Inner Coast Range Region is an important part of the
- 8     state's economy, providing substantial agricultural products,
- 9     timber, water, fishery and other biological resources, ranching,
- 10    tourism, and recreation.
- 11    (c) In cooperation with local governments, private businesses,
- 12    nonprofit organizations, and the public, a collaborative
- 13    conservation program focused on the 10 million acre Inner Coast
- 14    Range Region, which is more than 15,000 square miles, can help
- 15    do all of the following:
- 16    (1) Provide increased opportunities for tourism and recreation.
- 17    (2) Protect, conserve, and restore the region's physical, cultural,
- 18    archaeological, historical, and living resources.
- 19    (3) Aid in the preservation of working landscapes.
- 20    (4) Reduce the risk and severity of natural disturbances, such
- 21    as wildfires, and restore resiliency to natural landscapes.
- 22    (5) Protect and improve water supply and water and air quality
- 23    and improve water use efficiency.

1 (6) Assist the regional economy through the operation of a  
2 collaborative regional conservation program.

3 (7) Identify the highest priority projects and initiatives for which  
4 funding is needed.

5 (8) Undertake efforts to enhance public use and enjoyment of  
6 lands owned by the public.

7 (9) Support efforts that advance, in a complementary manner,  
8 environmental preservation and restoration as well as the economic  
9 well-being of the region's residents.

10 SECTION 1.

11 SEC. 2. Chapter 4.5 (commencing with Section 1440) is added  
12 to Division 2 of the Fish and Game Code, to read:

13  
14 CHAPTER 4.5. INNER COAST RANGE PROGRAM

15  
16 Article 1. General Provisions and Definitions

17  
18 ~~1440. The Legislature finds and declares all of the following:~~

19 ~~(a) The Inner Coast Range Region is a globally significant area,~~  
20 ~~including world-renowned geological, biological, and cultural~~  
21 ~~resources, a national monument, and many large, pristine areas~~  
22 ~~that are open for public use.~~

23 ~~(b) The Inner Coast Range Region is an important part of the~~  
24 ~~state's economy, providing substantial agricultural products,~~  
25 ~~timber, water, fishery and other biological resources, ranching,~~  
26 ~~tourism, and recreation.~~

27 ~~(c) In cooperation with local governments, private businesses,~~  
28 ~~nonprofit organizations, and the public, a collaborative~~  
29 ~~conservation program focused on the 10 million acre Inner Coast~~  
30 ~~Range Region, which is more than 15,000 square miles, can help~~  
31 ~~do all of the following:~~

32 ~~(1) Provide increased opportunities for tourism and recreation.~~

33 ~~(2) Protect, conserve, and restore the region's physical, cultural,~~  
34 ~~archaeological, historical, and living resources.~~

35 ~~(3) Aid in the preservation of working landscapes.~~

36 ~~(4) Reduce the risk and severity of natural disturbances, such~~  
37 ~~as wildfires, and restore resiliency to natural landscapes.~~

38 ~~(5) Protect and improve water supply and water and air quality~~  
39 ~~and improve water use efficiency.~~

1 ~~(6) Assist the regional economy through the operation of a~~  
2 ~~collaborative regional conservation program.~~

3 ~~(7) Identify the highest priority projects and initiatives for which~~  
4 ~~funding is needed.~~

5 ~~(8) Undertake efforts to enhance public use and enjoyment of~~  
6 ~~lands owned by the public.~~

7 ~~(9) Support efforts that advance, in a complementary manner,~~  
8 ~~environmental preservation and restoration as well as the economic~~  
9 ~~well-being of the region's residents.~~

10 1440.5.

11 1440. For the purposes of this chapter, the following terms  
12 have the following meanings:

13 (a) "Advisory board" means the advisory board established in  
14 Section 1442.

15 (b) "Board" means the Wildlife Conservation Board.

16 (c) "Fund" means the Inner Coast Range Program Fund created  
17 pursuant to Section ~~1462~~. 1461.

18 (d) "Local public agency" means a city, county, district, or joint  
19 powers authority.

20 (e) "Nonprofit organization" means a private, nonprofit  
21 organization that qualifies for exempt status under Section  
22 501(c)(3) of Title 26 of the United States Code and whose  
23 charitable purposes are consistent with the purposes of the board.

24 (f) "Region" or "Inner Coast Range Region" means all or  
25 portions of the area lying within the Counties of Colusa, Del Norte,  
26 Glenn, Humboldt, Lake, Mendocino, Napa, Shasta, Siskiyou,  
27 Solano, Tehama, Trinity, and Yolo, described as the area within  
28 the following boundaries:

29 (1) On the south by the southern boundary of the Putah Creek  
30 watershed, including a portion of the Inner Coast Range in eastern  
31 Napa County and northern Solano County north of Vacaville and  
32 Fairfield.

33 (2) On the east by Interstates 505 and 5, northward to a point  
34 on the Sacramento River channel adjacent to the intersection of  
35 Highway 299 and Interstate 5 in the City of Redding, northward  
36 along the centerline of the Sacramento River to its headwaters near  
37 Black Butte, northeastward along the southern boundary of the  
38 watershed of the Klamath River to the northern boundary of the  
39 State of California.

40 (3) On the north by the northern border of the State of California.

(4) On the west by the eastern boundary of the Napa River watershed, the eastern boundary of the Russian River watershed, northward along the western boundary of the watershed of the main stem of the Eel River, northwestward along the western boundary of the watershed of the South Fork of the Eel River to the southern Humboldt County boundary, eastward to the western Trinity County boundary, northward to the western boundary of the Trinity River watershed, northward along the western boundary of the Trinity River watershed to the confluence of the Trinity River and the Klamath River, northward from the confluence along the upstream western boundary of the Klamath River watershed to the northern boundary of the State of California.

(g) “Tribal organization” means an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified on pages 52829 to 52835, inclusive, of Number 250 of Volume 53 (December 29, 1988) of the Federal Register, as that list may be updated or amended from time to time, as well as California-recognized Indian tribes.

## Article 2. Inner Coast Range Program

1441. The Inner Coast Range Program is hereby created with the following goal areas for the region, and the board is authorized to do all of the following, working in collaboration and cooperation with local governments and interested parties, for the purposes of the program:

- (a) Provide increased opportunities for tourism and recreation.
- (b) Protect, conserve, and restore the region’s physical, cultural, archaeological, historical, and living resources.
- (c) Aid in the preservation of working landscapes.
- (d) Reduce the risk and severity of natural disturbances, such as wildfires, and restore resiliency to natural landscapes.
- (e) Protect and improve water supply and water and air quality and improve water use efficiency.
- (f) Assist the regional economy.
- (g) Identify the highest priority projects and initiatives for which funding is needed.

1 (h) Undertake efforts to enhance public use and enjoyment of  
2 lands owned by the public.

3 (i) Support efforts that advance, in a complementary manner,  
4 environmental preservation and restoration as well as the economic  
5 well-being of the region's residents.

6 1442. (a) (1) The board shall establish an advisory board for  
7 the program consisting of representatives of counties with lands  
8 within the Inner Coast Range Region.

9 ~~(2) An equal number of advisory board members from each~~  
10 ~~county shall be.~~ *Each county shall have one representative* on the  
11 advisory board. The board shall establish any additional  
12 qualifications for advisory board members that the board deems  
13 necessary and appropriate.

14 (b) Notwithstanding paragraph (2) of subdivision (a), the board  
15 may invite legislators representing the region and representatives  
16 of ~~state and federal agencies~~ *agencies*, such as the United States  
17 Forest Service and the United States Bureau of Land ~~Management~~  
18 *Management*, to participate as members of the advisory board.

19 1443. The board may establish committees, hold community  
20 meetings, and engage in public outreach using advanced forms of  
21 technology in order to facilitate the decisionmaking process for  
22 the purposes of this chapter. ~~Members of committees may be~~  
23 ~~reimbursed for the actual and necessary expenses, including travel~~  
24 ~~expenses, that they incur in attending regular meetings of the~~  
25 ~~committee of which they are a member.~~

26 1444. The board may establish and maintain a headquarters  
27 office within the region.

### 28 29 Article 3. Jurisdiction and Cooperation 30

31 1445. The board may undertake activities identified in this  
32 chapter within the Inner Coast Range Region for the purpose of  
33 the Inner Coast Range Program. The board shall carry out projects  
34 and activities to further the purposes of this chapter throughout  
35 the region. The board shall make every effort to ensure that, over  
36 time, Inner Coast Range Program funding and other efforts are  
37 spread equitably across the region and among the stated goal areas,  
38 with adequate allowance for the variability of costs associated with  
39 the region and types of projects.

1 1446. In carrying out this chapter, the board shall cooperate  
2 with and consult with the city or county where a grant is proposed  
3 to be expended or an interest in real property is proposed to be  
4 acquired and shall, as necessary or appropriate, coordinate its  
5 efforts with other state agencies, in cooperation with the Secretary  
6 of the Natural Resources Agency.

7 1447. The board, in consultation with the advisory board, shall  
8 adopt guidelines setting priorities and criteria for projects and  
9 programs in the region, based upon its assessment of program  
10 requirements, institutional capabilities, and funding needs  
11 throughout the region, and federal, state, and local plans, including  
12 land and resources management plans, general plans, recreation  
13 plans, urban water management plans, groundwater management  
14 plans, and groundwater sustainability plans. As part of the process  
15 of developing guidelines for projects and programs in the region,  
16 the board shall undertake and facilitate a strategic program planning  
17 process involving meetings and workshops, with the purpose of  
18 formulating strategic program objectives and priorities. The  
19 strategic program shall be updated regularly, at least once every  
20 five years.

21 1448. Nothing in this chapter grants to the board:

22 (a) Any of the powers of a city or county to regulate land use.

23 (b) Any powers to regulate any activities on land, except as the  
24 owner of an interest in the land, or pursuant to an agreement with,  
25 or a license or grant of management authority from, the owner of  
26 an interest in the land.

27 (c) Any powers over water rights held by others.

#### 28 29 Article 4. Grants and Loans 30

31 1449. (a) The board may make grants or loans to public  
32 agencies, nonprofit organizations, and tribal organizations in order  
33 to carry out the purposes of this chapter, including grants or loans  
34 provided to acquire an interest in real property, including a fee  
35 interest in that property. Grant or loan funds shall be disbursed to  
36 a recipient entity only after the entity has entered into an agreement  
37 with the board, on the terms and conditions specified by the board.  
38 ~~After approving a grant, the board may assist the grantee in~~  
39 ~~carrying out the purposes of the grant.~~

(b) When awarding grants or making loans pursuant to this chapter, the board may require repayment of those funds on the terms and conditions it deems appropriate. Proceeds from the repayment or reimbursement of amounts granted or loaned by the board shall be deposited in the fund.

(c) An entity applying for a grant from the board to acquire an interest in real property shall specify all of the following in the grant application:

(1) The intended use of the property.

(2) The manner in which the land will be managed.

(3) How the cost of ongoing management will be funded.

1450. In the case of a grant of funds to a nonprofit organization or tribal organization to acquire an interest in real property, including, but not limited to, a fee interest, for the purposes of this chapter, the agreement between the board and the recipient organization shall require all of the following:

(a) The purchase price of an interest in real property acquired by the organization shall not exceed fair market value as established by an appraisal approved ~~by the board~~ *pursuant to the statutes and regulations that apply to the board*.

(b) The terms under which the interest in real property is acquired shall be subject to the board's approval.

(c) An interest in real property to be acquired under the grant shall not be used as security for a debt unless the board approves the transaction.

(d) The transfer of an interest in the real property shall be subject to approval of the board, and a new agreement sufficient to protect the public interest shall be entered into between the board and the transferee.

~~(e) A deed or instrument by which the organization acquires an interest in real property under the grant shall include a power of termination on the part of the state, subject to the requirements of Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code. The deed or instrument shall provide that the state may exercise the power of termination by notice in the event of the organization's violation of the purpose of the grant through breach of a material term or condition thereof and that, upon recordation of the notice, full title to the interest in real property identified in the notice shall immediately vest in the state or in another public agency or a nonprofit organization~~



1 designated by the board to which the state conveys or has conveyed  
2 its interest.

3 ~~(f) A deed or instrument by which the organization acquires an~~  
4 ~~interest in real property under the grant shall provide that the~~  
5 ~~conveyance is subject to a remainder interest vested in the state.~~  
6 ~~If the existence of the organization is terminated for any reason,~~  
7 ~~the board may require that the remainder shall become a present~~  
8 ~~interest and that full title to the real property shall vest in the state~~  
9 ~~or in another public agency or a nonprofit organization designated~~  
10 ~~by the board to which the state conveys or has conveyed its interest.~~

11 1451. (a) The board may expend funds and award grants and  
12 loans to facilitate collaborative planning efforts and to develop  
13 projects and programs that are designed to further the purposes of  
14 this chapter.

15 (b) The board may provide and make available technical  
16 information, expertise, and other nonfinancial assistance to public  
17 agencies, nonprofit organizations, and tribal organizations, to  
18 support program and project development and implementation.

19 (c) The recipient of a grant or loan provided by the board  
20 pursuant to this chapter for the acquisition of real property shall  
21 provide for the management of the real property to be acquired as  
22 specified in the grant agreement.

23 1452. The board may apply for and receive grants to carry out  
24 the purposes of this chapter.

## 25 26 Article 5. Interests in Real Property 27

28 1453. (a) ~~The~~*In accordance with Chapter 4 (commencing*  
29 *with Section 1300), the* board may acquire from willing sellers or  
30 transferors an interest in any real property, in order to carry out  
31 the purposes of this chapter. However, the board shall not acquire  
32 a fee interest in real property by purchase.

33 (b) The acquisition of an interest in real property under this  
34 section is not subject to the Property Acquisition Law (Part 11  
35 (commencing with Section 15850) of Division 3 of Title 2 of the  
36 Government Code), unless the value of the interest exceeds two  
37 hundred fifty thousand dollars (\$250,000) per lot or parcel, as  
38 adjusted for annual changes to the Consumer Price Index for the  
39 State of California, as calculated by the Department of Finance.

1 However, the board may request the State Public Works Board to  
2 review and approve specific acquisitions.

3 (c) The board shall not exercise the power of eminent domain.  
4 ~~1454. Notwithstanding Section 11005.2 of the Government~~  
5 ~~Code or any other law, the board may lease, rent, sell, exchange,~~  
6 ~~or otherwise transfer an interest, option, or contractual right in real~~  
7 ~~property, as well as a vested right severable therefrom, that has~~  
8 ~~been acquired under this chapter, to a person or entity, subject to~~  
9 ~~terms and conditions in furtherance of the board's purposes.~~

10 ~~1455.~~

11 ~~1454.~~ (a) For the purposes of this chapter, the board shall take  
12 whatever actions are reasonably necessary and incidental to the  
13 management of lands or interests in lands under its ownership or  
14 control and may initiate, negotiate, and participate in agreements  
15 for the management of those lands or interests with public agencies  
16 or private individuals or entities.

17 (b) The board may improve, restore, or enhance lands for the  
18 purpose of protecting the natural environment, improving public  
19 enjoyment of or public access to public lands, or to otherwise meet  
20 the objectives of this chapter and may carry out the planning and  
21 design of those improvements or other measures.

22 (c) The board may enter into an agreement with a public agency,  
23 nonprofit organization, or private entity for the construction,  
24 management, or maintenance of facilities authorized by the board  
25 to meet the objectives of this chapter.

## 26 Article 6. Funding and Expenditures

27  
28  
29 ~~1456.~~

30 ~~1455.~~ The board shall make ~~an annual~~ *a biannual* report to the  
31 Legislature and to the Secretary of the Natural Resources Agency  
32 regarding expenditures, land management costs, and administrative  
33 costs incurred pursuant to this chapter. The board shall submit the  
34 report to the Legislature in compliance with Section 9795 of the  
35 Government Code.

36 ~~1457.~~

37 ~~1456.~~ The board may expend funds under this chapter to  
38 conduct research and monitoring in connection with the  
39 development and implementation of the program.

1     ~~1458.~~

2     1457. (a) For the purposes of this chapter, the board may  
3 receive gifts, donations, bequests, devises, subventions, grants,  
4 rents, royalties, and other assistance and funds from public and  
5 private sources.

6     (b) Except as provided in Section 1453, the board may receive  
7 an interest in real or personal property for the purposes of this  
8 chapter through transfer, succession, or other mode of acquisition  
9 generally recognized by law.

10    (c) All moneys or income received by the board for the purposes  
11 of this chapter pursuant to this article shall be deposited in the  
12 fund for expenditure pursuant to this chapter.

13    ~~1459.~~

14    1458. The board shall not make any expenditures that would  
15 either directly support or deter the planning or implementation of  
16 the Sites Reservoir project.

17    ~~1460.~~

18    1459. The board may fix and collect a fee for a direct service  
19 it renders for the purposes of this chapter, provided the service is  
20 rendered at the request of the individual or entity receiving the  
21 service. The amount of a fee shall not exceed the board's  
22 reasonable costs and expenses of providing the service rendered.  
23 All fees received by the board pursuant to this section shall be  
24 deposited in the fund for expenditure for the purposes of this  
25 chapter.

26    ~~1461.~~

27    1460. Proceeds from a lease, rental, sale, exchange, or transfer  
28 of an interest or option in real property for the purposes of the  
29 Inner Coast Range Program, and all other income of the board for  
30 the purposes of the Inner Coast Range Program, shall be deposited  
31 in the fund for expenditure for the purposes of this chapter.

32    ~~1462.~~

33    1461. The Inner Coast Range Conservancy Program Fund is  
34 hereby created in the State Treasury. Moneys in the fund shall be  
35 available, upon appropriation by the Legislature, only for the  
36 purposes of this chapter.

## Article 7. Legislative Review

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2  
3 ~~1463.~~  
4 *1462.* (a) By January 1, 2027, the board, in consultation with  
5 the advisory board, shall review the Inner Coast Range Program  
6 and issue a report to the relevant policy committees of the  
7 Legislature about the possible creation of a state conservancy for  
8 the Inner Coast Range Region.  
9 (b) Pursuant to Section 10231.5 of the Government Code, this  
10 article is repealed on January 1, 2031.